

COMMISSIONERS' ORDINANCE NO. O-23-22

AN ORDINANCE AMENDING SECTION 33.03 OF THE COVINGTON CODE OF ORDINANCES, POLICE OFFICER HIRING PROCEDURES, TO REVISE THE REQUIREMENTS FOR AN OFFER OF EMPLOYMENT.

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WHEREAS, the Covington Police Department strives to deliver exceptional customer service to the community; and

WHEREAS, to deliver exceptional service, the Department needs a pool of qualified candidates who are eligible to join the Department in serving with integrity, professionalism, justice, and compassion; and

WHEREAS, revisions to the police officer hiring requirements regarding education and experience are needed to generate a pool of qualified candidates willing to accept the challenge to become one of Covington's Finest.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 33.03 of the Covington Code of Ordinances is amended to read as follows:

§ 33.03 POLICE OFFICER HIRING PROCEDURES.

(A) Written examination process.

(1) Application for examination. An applicant for original appointment in the Police Department shall sign and complete a sworn application on a form to be prescribed by the City Manager or his or her designee. The application shall be filed with the Clerk of the Board of Examiners, or with another appropriately designated clerk.

(2) Examination date. Whenever sufficient applications are on file, or whenever in the discretion of the appointing authority an examination should be held, the appointing authority shall, after consultation with the Board of Examiners, designate in writing to the Board of Examiners, a date and place for an examination. The appointing authority shall cause the Clerk of the Board of Examiners to notify, in writing, each applicant whose application is on file, of the date, time and place of examination.

(3) Eligibility requirements. At all examinations, applicants for original appointment to the Police Department who have filed their applications not less than five days prior to the examination shall be eligible for examination, but this requirement

may be waived at the discretion of the Chairperson of the Board for good cause shown. In addition to having filed an application, applicants must meet the following prerequisite requirements for the position of police officer:

- (a) Be at least 21 years of age, as evidenced by a birth certificate presented;
- (b) Be a citizen of the United States;
- (c) Be an orderly, law-abiding citizen with no prior felony convictions;
- (d) Be able to read, write and understand the English language;
- (e) Be a high school graduate or possess a high school equivalency diploma;
- (f) Possess a valid license to operate a motor vehicle;
- (g) Not be prohibited by federal or state law from possessing a firearm;
- (h) Have not had certification as a peace officer revoked in another state;
- (i) If having served in any branch of the Armed Forces of the United States, not have received a dishonorable discharge, bad conduct discharge or general discharge under other than honorable conditions; and
- (j) Satisfy any other criteria required by the City Commission.

(4) Scope of examination. Each applicant for original appointment to the Police Department shall take the written examination which provides an indication of the applicant's qualifications for the position of police officer. The written examination tests on subjects prescribed by the City Manager, Police Chief and/or the Board of Examiners.

(B) Grading of examination; eligibility list.

(1) Required passing score. The written test shall be given on a competitive basis. It shall be graded on a scale of 100 for the maximum possible attainment. An applicant must attain a score of 75 or higher on the written test before he or she will be deemed to have passed the examination and be placed on the eligibility list. Applicants not obtaining a score of 75 or above will be notified by mail. All applicants will be given an opportunity to review their own test and score, but the grade of any applicant shall not be disclosed to any other person, unless so legally authorized by the applicant.

(2) Ranking. After it has been determined which applicants have passed the test, the Board shall rank all applicants obtaining a score of 75 or above. In the case of any ties, the applicants are ranked by date of application, with the earlier applicant being placed ahead of others with the same score.

(3) Certification and effectiveness. The ranked list, including the applicant's name and grade, shall be certified by the Board that all names thereon are eligible, in order of their rank, for probationary appointment to the Police Department. The certified eligibility list will be sent to the City Manager and copied to the City Commission. The date on which the list is signed by the Board shall be the determining date. The eligibility list shall remain effective for 24 months after it has been certified and

presented to the appointing authority or until the City Manager or his or her designee, in his or her discretion, determines that a new eligibility list should be created.

(4) Removal from list.

(a) In case the Board of Examiners or the appointing authority has reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to their examination, or fraud, or for false statement on their part, in connection with his or her application or examination, misconduct of any kind evidencing unfitness or lack of loyalty or lack of capacity for proper discipline, the appointing authority may give such applicant notice to show cause before the Board of Examiners why his or her name should not be dropped from the list.

(b) Each applicant at the time of his or her application and thereafter on any change of address, shall furnish an address to which any and all notices shall be sent to him or her. A delivery or a mailing of any notice addressed to the applicant at such address shall be deemed sufficient notice.

(c) The applicant shall be given an opportunity to be heard before the Board of Examiners. If the applicant fails to appear for a hearing or fails to show cause to the Board of Examiners that his or her name should be retained, his or her name shall thereupon be removed from the eligibility list.

(d) If the applicant raises an objection to a matter on the objective portion of the testing procedure, the Board may refer the matter to the provider of the test or the Police Chief for an opinion as to the objection.

(C) Appointments from eligibility list.

(1) In making appointments from the eligibility list, applicants shall be considered in order of their average grade rank unless substantiated reason exists to do otherwise. Hiring of applicants with specialized skills or training shall constitute a substantiated reason.

(2) Prior to an offer of employment for the position of police officer, applicants must satisfy the following additional requirements:

~~— (a) Have completed at least 30 credit hours at an accredited college or university with an average grade of “C” or above, or~~

(a) Meet at least one of the following education or experience qualifications:

I. Have obtained an Associate’s Degree from an accredited college or university, or equivalent hours while working toward a Bachelor’s Degree with an average grade of “C” or above, or

II. Have an established work history of a minimum of two years, or

III. Have a minimum of 24 months of continuous active duty in the regular military service with an honorable discharge, or

IV. Have a minimum of two years of full-time continuous employment as a municipal, county or state police officer;

(b) Take and pass a physical agility exam consistent with the physical training standards established by the state's Law Enforcement Council and the state's Department of Criminal Justice;

(c) Take and pass a psychological suitability screener examination and, if necessary, any additional psychological examination performed by a licensed psychologist;

(d) Submit to and successfully complete polygraph testing;

(e) Sit for an oral interview with the hiring authority;

(f) Submit to and pass an investigation of character, including fingerprinting for a criminal background check, and which may include investigation into educational background, past employment history, personal background, credit standing, criminal records and any other relative information discovered during the course of investigation which might relate to the applicant's qualifications; and

(g) Be willing to undergo and successfully complete thorough medical examinations, including physical and drug testing.

(3) The order of the tests shall be determined by the Department. These tests and evaluations shall be conducted and under control of the hiring department. The costs of these tests shall be paid by the city.

(4) The report of the Chief of Police shall be made to the Mayor and Board of Commissioners and shall be given due consideration before the original appointment of the applicant is made.

(D) Appointees; probationary period; disciplinary action; powers and duties.

(1) All appointments from the Police Department eligibility list shall be for an initial probationary period of one year as defined in § 33.01 of this chapter. During the one-year probationary period, the candidate shall be an appointee to the Police Department. No appointee shall be deemed a member of the Police Department until the appointee has satisfactorily served the one-year probationary period. After successfully completing one year of service, the appointee shall become a permanent member of the Police Department and, therefore, a member of the Police Department entitled to the procedures of KRS 95.450.

(2) Until the one year probationary period has elapsed, the appointment shall be conditional, at the discretion of the Police Chief. As such, the appointee shall not be entitled to the discipline procedures of KRS 95.450. At any time during the appointee's probationary period, he or she may be summarily removed by the Police Chief.

(3) Notwithstanding the foregoing, an appointee to the Police Department during the applicable probationary period shall have the powers and duties of a member of the Police Department.

(E) Residency. The residency of police officers is controlled by state law. (See KRS 15.335.)

(F) Reappointment after separation.

(1) Any person who has successfully completed his or her probationary period and subsequently ceased working for the Police Department, for reasons other than dismissal or retirement, may be re-employed by the Police Department if the person requests reappointment, in writing, to the Police Chief. The person shall be eligible for reinstatement for a period of one year following his or her separation from the Police Department, and shall be reinstated only:

(a) With the approval of the appointing authority;

(b) Upon favorable recommendation of the Police Chief and the City Manager or his designee; and

(c) Upon the successful completion of all standard prevailing preemployment examinations, with the exception of the written examination.

(2) Notwithstanding the foregoing, if this provision conflicts with the terms of the current working agreement with the Fraternal Order of Police Covington Lodge No. 1, then the terms of the working agreement shall apply to reappointment of police officers.

(3) The intent of this division (F) is to permit the city to re-employ a trained officer without utilizing the eligibility list utilized in other initial appointments.

(G) Lateral transfer of state-certified peace officer.

(1) The city may employ any applicant who is a state-certified peace officer; provided, the applicant submits to the city a copy of the peace officer professional standards certification issued by the state's Law Enforcement Counsel with the application.

(2) Prior to appointment, applicants for employment through lateral transfer must satisfy the following conditions:

(a) Be a citizen of the United States;

(b) Possess a valid license to operate a motor vehicle;

(c) Submit to and pass an investigation of character, including fingerprinting for a criminal background check, and which may include investigation into educational background, past employment history, personal background, credit standing, criminal records and any other relative information discovered during the course of investigation which might relate to the applicant's qualifications;

(d) Be an orderly, law-abiding citizen with no prior felony convictions;

- (e) Not be prohibited by federal or state law from possessing a firearm;
 - (f) If having served in any branch of the Armed Forces of the United States, not have received a dishonorable discharge, bad conduct discharge or general discharge under other than honorable conditions;
 - (g) Have received and read the state law enforcement officer's Code of Ethics;
 - (h) Sit for an oral interview with the hiring authority;
 - (i) Have not had certification as a peace officer permanently revoked in another state;
 - (j) Submit to and successfully complete polygraph testing; and
 - (k) Undergo and successfully complete thorough medical examinations, including physical and drug testing.
- (3) The intent of this division (G) is to permit the city to employ a qualified, trained police officer without utilizing the eligibility list utilized in initial appointments.

Section 2

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.



MAYOR

ATTEST:



ACTING CITY CLERK

Passed: 11/29/2022 (Second Reading)

11/15/2022(First Reading)